

HOUSE BILL 3440  
By Lynn

AN ACT to amend Tennessee Code Annotated, Title 68  
and Title 69.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 2, Part 7, is amended by deleting §68-211-703 in its entirety and by substituting instead the following language:

Section 68-211-703.

(a) In order to inform interested persons in the area of a proposed landfill, public notice shall be circulated by the county legislative body, the municipal governing body, or both such entities within the geographical area of the proposed landfill approval by any of the following means:

(1) Posting in the post office and public places of the municipality nearest the landfill under consideration;

(2) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation; or

(3) Posting on the Internet.

(b) Public notice of a proposed landfill approval includes the following:

(1) Name, address and telephone number of the local city/county/official/department/agency reviewing the application;

(2) Name and address of the proposed landfill owner and/or operator;

(3) Location and size of the proposed landfill;

(4) Brief description of the type operation to be operated at the landfill, the location of the landfill and the type waste that will be accepted;

(5) A description of the time frame and procedures for making a final determination on the landfill application approval or disapproval; and

(6) Address and telephone number of the premises at which persons may obtain further information, request copies of data on the landfill, and inspect this data.

(c) A copy of the public notice and fact sheet shall be sent to any person who specifically requests one. A copy of each notice of application and fact sheet shall also be sent to those persons who have requested the addition of their names to a mailing list.

(d) Interested persons may submit written comments on the proposed landfill within thirty (30) days of the public notice or such greater period as is allowed. All written comments submitted shall be retained and made available to the department of environment and conservation in its final determination of registration of the proposed site.

(e) Interested persons may request in writing that the county legislative body, municipal governing body or both such entities hold a public hearing on any proposed new construction for solid waste disposal by landfilling or solid waste processing by landfilling prior to approval of such new construction. The request must be filed within the period allowed for public comment and must indicate the interest of the party filing it and the reason why a hearing is warranted. If there is a significant public interest in having a hearing, one (1) hearing shall be held in the geographical area of the proposed landfill. Instances of doubt should be resolved in favor of holding a hearing. The comments made at the hearing shall be transcribed or recorded to assist in the final determination of approval of the proposed new landfill.

(f) No less than fifteen (15) days in advance of the hearing, public notice of it shall be circulated at least as widely as was the notice of the proposed landfill approval. The procedure for circulation of public notice for the hearing shall include the following:

(1) Publication in a newspaper of general circulation within the geographical area of the landfill; and

(2) Sending notice to all persons who received a copy of the notice or fact sheet for the proposed landfill approval and any person who specifically requests a copy of the notice of the hearing.

(g) Each notice of a public hearing shall include at least the following contents:

(1) Name, address and telephone number of the city/county official/department/agency who/which was responsible for the review of the application;

(2) Name and address of each proposed landfill owner or operator who will be heard at the hearing;

(3) A description of the proposed landfill and the type of disposal methods to be used;

(4) A brief reference to the public notice issued for each proposed landfill;

(5) Information regarding the time and location for the hearing;

(6) The purpose of the hearing;

(7) A concise statement of the issues raised by the persons requesting the hearing;

(8) Address and telephone number of the premises at which interested persons may obtain further information, request a copy of each draft permit, request a copy of each fact sheet, and inspect and copy forms and related documents; and

(9) A brief description of the nature of the hearing, including the rules and procedures to be followed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.